

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-17-0016
RULES OF PROCEDURE FOR)	
EVICTIION ACTIONS)	FILED 08/31/2017
)	
)	
_____)	

ORDER

AMENDING RULES 3 AND 5, RULES OF PROCEDURE FOR EVICTION ACTIONS

A petition having been filed proposing to amend Rules 3 and 5, Rules of Procedure for Eviction Actions, and comments having been received, upon consideration,

IT IS ORDERED that Rules 3 and 5, Rules of Procedure for Eviction Actions, be amended in accordance with the attachment hereto, effective January 1, 2018.

DATED this 31st day of August, 2017.

_____/s/
SCOTT BALES
Chief Justice

TO:

Rule 28 Distribution

Lisa M Panahi

Hon Gerald A Williams

Michael A Parham

Melissa Parham

ATTACHMENT¹

RULES OF PROCEDURE FOR EVICTION ACTIONS

Rules 1 – 2 [No change in text.]

Rule 3. Computation of Time; Shortening or Extension of Time

a. – b. [No change in text.]

c. How to Calculate Time: Day of the Act or Default. In calculating any period of time specified or allowed by these rules, by any local rules, by order of a court, or by any applicable statute, the day of the act or default from which the designated period of time begins to run is not included.

d. How to Calculate Time: Last Day. The last day of the period is included, unless the last day is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday or a legal holiday.

Rule 4. [No change in text.]

Rule 5. Summons and Complaint: Issuance, Content and Service of Process

a. – d. [No change in text.]

~~**e. Computation of Time.** The date of service shall not be counted when computing time for service of the summons and complaint. The date of the initial appearance shall be counted for that purpose.~~

ef. Service of Process. Service of the summons and complaint shall be accomplished by either personal service or post and mail service for a special detainer action, and for a forcible detainer action, as provided by Rule 4.1 or 4.2 of the Arizona Rules of Civil Procedure. Service of process shall only be performed by a person authorized to do so under Rule 4(D) of the Arizona Rules of Civil Procedure. Return of service and proof thereof shall be made by affidavit.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by strikeouts.

fg. Failure to Obtain Service. A complaint that is not served within the time required by applicable statute may be dismissed at the initial appearance date unless the defendant waives service in writing, or the initial appearance may be continued upon a showing of good cause to allow additional time for service. If the defendant appears at the initial appearance, the appearance shall constitute a waiver of any objections to the form or manner of service unless the defendant asserts those grounds at the initial appearance or in a previously filed written answer.

Rules 6 through 19 [No change in text.]